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DANIELLE WARREN and all others similarly situated

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Attorneys for Defendant
PAYCHEX, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIELLE WARREN, and all others
similarly situated,

Plaintiff,

v.

PAYCHEX, INC.

Defendant.

Case No. C 10-02006 JCS

**STIPULATION AND [PROPOSED]
ORDER RE FILING OF FIRST
AMENDED COMPLAINT.**

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1 IT IS HEREBY STIPULATED by and between the parties hereto through their
 2 respective attorneys of record that Plaintiff may file a First Amended Complaint, a copy of which
 3 is attached hereto as Exhibit 1. This stipulation is solely for purposes of effectuating the terms of
 4 the parties' proposed class action settlement as set forth in the parties' Amended Joint Stipulation
 5 Re Class Action Settlement filed with the Court on the same date that this Stipulation is being
 6 filed and the status of the First Amended Complaint as the operative complaint in this action is
 7 subject to the terms and conditions set forth in the Amended Joint Stipulation Re Class Action
 8 Settlement. As set forth more specifically therein, upon the proposed settlement being denied
 9 preliminary or final approval, the Complaint filed in this action shall be the operative complaint,
 10 with the parties reserving rights as described in Amended Joint Stipulation to Class Action
 11 Settlement.

12 IT IS FURTHER STIPULATED that, because the parties have stipulated to the filing of
 13 Plaintiffs' First Amended Complaint solely for purposes of effectuating the terms of the parties'
 14 proposed class action settlement, defendant Paychex, Inc. shall not be required to file an answer
 15 or response to the First Amended Complaint.

16
 17 Dated: June 17, 2011

RUDY EXELROD ZIEFF & LOWE LLP

18
 19 By: /s/ Steven G. Zieff
 20 STEVEN G. ZIEFF
 21 DAVID A. LOWE
 22 JOHN T. MULLAN

23
 24 Dated: June 17, 2011

NELSON LAW GROUP

25 By: /s/ Robert S. Nelson
 26 ROBERT S. NELSON

27 Attorneys for Danielle Warren and all others
 28 similarly situated

1 Dated: June 17, 2011

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

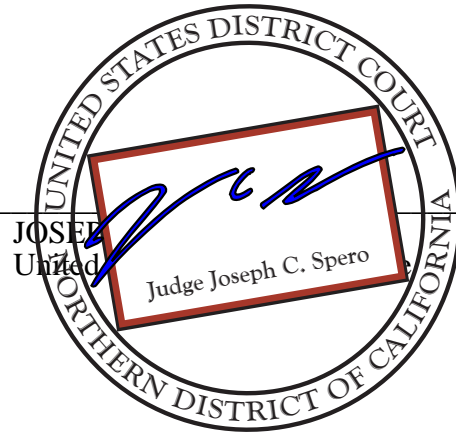
3 By: /s/ Jack S. Sholkoff
4 Jack S. Sholkoff
Beth A. Gunn

5 Attorneys for Defendant
6 PAYCHEX, INC.

7
8 **IT IS SO ORDERED.**

9
10 Dated: June 21, 2011

By: _____



GENERAL ORDER 45 ATTESTATION

I, Steven G. Zieff, am the ECF User whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER RE FILING OF FIRST AMENDED
COMPLAINT. In compliance with General Order 45, X.B., I hereby attest that Robert S. Nelson
and Jack S. Sholkoff have concurred in this filing.

Dated: June 17, 2011

/s/ Steven G. Zieff
STEVEN G. ZIEFF